

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MARCH 14, 2018**

CALL TO ORDER <i>6:00 pm</i>	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11 th Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Mike Horn, Ron Schlegel, Kevin Lake, and Jim Thompson. Jeff Larsen had an excused absence. Mark Mussman, Rachel Ezell, Erik Mack, and Kari Nielsen represented the Flathead County Planning & Zoning Office. There were 9 members of the public in attendance.
APPROVAL OF MEETING MINUTES <i>6:00 pm</i>	Schlegel made a motion, seconded by Lake, to approve the February 14, 2018 meeting minutes. Motion carried by quorum.
PUBLIC COMMENT <i>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</i> <i>6:01 pm</i>	Greg Stevens, vice chairman, said that he had not led a meeting in a while and was open to people letting him know if he missed anything.
LAXTON-MOE-MANUWAL ZONE CHANGE (FZC-18-01) <i>6:03 PM</i>	A zone change request from Allan Gerhart, on behalf of Arnold C. & Janice M. Laxton, Kelly Moe and David A. & Naomi J. Manuwal for property located within the Highway 93 North Zoning District. The proposal would change the zoning on three parcels containing approximately 35.76 acres from <i>SAG-10 (Suburban Agricultural)</i> to <i>SAG-5 (Suburban Agricultural)</i> .
STAFF REPORT <i>6:05 pm</i>	Rachel Ezell reviewed staff report FZC-18-01 for the board.
BOARD QUESTIONS <i>6:08 pm</i>	None
APPLICANT PRESENTATION <i>6:08 pm</i>	<u>Allan Gerhart</u> , 2930 Rufenach Lane, explained that they (the applicants) contributed to the Rolling Meadows Subdivision HOA for road maintenance

of Rufenach Lane and the potential new lots would also contribute to the HOA and increase road safety. He addressed the comment provided to the board regarding the unsightly views and explained that the county had a community decay ordinance and if the view were bad that there was a process to fix it. He also noted that the photos appeared to be taken in the spring when water was melting but sitting on the still frozen ground. High ground water existed in the area but not as bad as the photos made it look.

**BOARD
QUESTIONS
6:14 pm**

Nogal wondered if the applicant would point out exactly where he lived in relationship to the properties in question.

**PUBLIC
COMMENT
6:15 pm**

Ken Mitchell, 2865 Whitefish Stage, lived on 10 acres south of the Laxton's and he moved to the area in order to live in a county setting. He was concerned about the growing suburbanization of Kalispell. He was concerned about the breaking up of agricultural land but also found it frustrating that water rights made it challenging to farm the larger land. He wanted to see the preservation of small scale agriculture in the valley.

**APPLICANT
REBUTTAL/
COMMENTS
6:20 pm**

Gerhart rebutted that the zone change would not prevent small scale agriculture but would provide the homeowners with options in the future.

Gerhart wondered if the board had any more questions for him. Sirucek wondered what the actual acreages of areas identified as A, B, & C were.

**STAFF
REBUTTAL/
COMMENTS
6:23 pm**

None

**APPLICANT
COMMENTS
6:23 PM**

Janice Laxton, 2915 Whitefish Stage, was one of the owners requesting the zone change and shared that her intention was not to cut up and/or sell the property. She currently lived in a full house and would like to have the option to give some of the land to her children.

**AGENCY
COMMENTS
6:26 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
6:27 pm**

Sirucek made a motion, seconded by Nogal, to adopt staff report FZC-18-01 as findings of fact.

**BOARD
DISCUSSION
6:27 pm**

None

**ROLL CALL TO
ADOPT F.O.F.
(FACT)
6:27 pm**

Motion was passed on a roll call vote (7-0).

**BOARD
DISCUSSION
6:28 pm**

Stevens addressed the written comment that showed high groundwater. He explained that these issues were usually addressed at subdivision review and not during a zone change.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
6:29 pm**

Schlegel made a motion, seconded by Horn, to recommend approval of FZC-18-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:30 pm**

Nogal explained that she was very concerned with the creep of SAG-5 up Whitefish Stage. She would rather not see this zone change but understood the situation of the Laxton family and will therefore reluctantly vote for the proposal.

Sirucek confirmed that there was some high ground water in the area but the soils had a low permeability and the photos likely showed snow melt sitting on frozen ground.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-01)
6:33 pm**

Motion was passed on a roll call vote (7-0).

**WOLFE
ZONE CHANGE
(FZC-18-02)
6:35 PM**

A zone change request by Marquardt Surveying, on behalf of Marie E. Wolfe, for property located within the Blanchard Lake Zoning District. The proposal would change the zoning on a parcel containing approximately 19.935 acres from AG-20 (*Agricultural*) to SAG-5 (*Suburban Agriculture*).

**STAFF REPORT
6:36 pm**

Erik Mack reviewed staff report FZC-18-02 for the board.

**BOARD
QUESTIONS
6:38 pm**

Sirucek was not in agreement with the staff finding of it being non-conforming. He said that zoning talked to the nearest acre so he saw it as conforming. Mack said it was to the nearest .10 of an acre. There was further discussion on zoning regulations and interpretation.

Nogal wondered if family transfer had to go through this process. Mack clarified that family transfers were not exempt from zoning, only subdivision review.

**APPLICANT
PRESENTATION
6:42 pm**

Dawn Marquardt, with Marquardt Surveying, represented the applicant. She said that the client was asking for the zone change so she could give a portion of it to one of her sons.

**BOARD
QUESTIONS
6:44 pm**

None

**PUBLIC
COMMENT
6:44 pm**

None

**STAFF
REBUTTAL/
COMMENTS
6:45 pm**

None

**APPLICANT
REBUTTAL/
COMMENTS
6:45 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
6:45 pm**

Lake made a motion, seconded by Schlegel, to adopt staff report FZC-18-02 as findings of fact.

**BOARD
DISCUSSION
6:46 pm**

Stevens addressed the letter which was received and said that they do not address access issues because it was normally done in subdivision review, however, a family transfer does not go through subdivision review. He felt that it would not burden the access to the extent a subdivision would. He said that once a zone is changed it does not matter what the applicant had in mind.

Schlegel agreed that he understood the man's concerns but he was unsure there was anything that they could do. He hoped that neighbors could work together.

**ROLL CALL TO
ADOPT F.O.F.
(FACT)
6:50 pm**

Motion was passed on a roll call vote (6-1). Sirucek dissented.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
6:50 pm**

Schlegel made a motion, seconded by Nogal, to recommended approval of FZC-18-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:51 pm**

Sirucek asked the applicant's representative why they had requested a SAG-5 and not a SAG-10. She answered because they did not have a full 20 acres. Sirucek pointed out that it was due to the .10 interpretation.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-02)
6:52 pm**

The motion passed unanimously on a roll call vote (7-0).

**BIG SKY VISTA
PRELIMINARY
PLAT
(FPP-18-03)
7:01 PM**

A request from Gary & Royce Graves with technical assistance from Marquardt Surveying for preliminary plat approval of Big Sky Vista, a proposal to create 3 lots intended for residential use on 15 acres. Each lot would be served by individual wells and wastewater treatment systems.

**STAFF REPORT
7:02 pm**

Kari Nielsen reviewed staff report FPP-18-03 for the board.

**BOARD
QUESTIONS
7:05 pm**

The Board had questions regarding the shape of the lots. The Planning Office responded indicating density standards within the West Valley Development Code required the lots to be within a certain distance of a county maintained road.

**APPLICANT
PRESENTATION
7:08 pm**

Dawn Marquardt, with Marquardt Surveying, represented the applicant and gave an overview of the project indicating the property owner would be returning to the area and intended on retiring.

**BOARD
QUESTIONS
7:10 pm**

Horn asked for clarification on the lot placement.

PUBLIC COMMENT <i>07:11 pm</i>	None
MAIN MOTION TO ADOPT F.O.F. (FACT) <i>7:11 pm</i>	Sirucek made a motion, seconded by Nogal, to adopt staff report FPP-18-03 as findings of fact.
BOARD DISCUSSION <i>7:11 pm</i>	Thompson wondered if, down the road, there was going to be a problem with lot 3 being less than 5 acres. Nielsen said it was density based zoning vs. sized based.
ROLL CALL TO ADOPT F.O.F. (FACT) <i>7:13 pm</i>	Motion was passed on a roll call vote (7-0).
MAIN MOTION TO RECOMMEND APPROVAL <i>7:13 pm</i>	Lake made a motion, seconded by Schegel, to recommend approval of FPP-18-03 to the Board of County Commissioners.
BOARD DISCUSSION <i>7:14 pm</i>	Stevens wanted to point out that there was a subdivision nearby and the noise generated from the gravel pit did not stop the development.
MOTION TO ADD CONDITION #19 <i>7:16 pm</i>	Schlegel made a motion, seconded by Lake, to add condition #19 stating: <i>The subdivider shall comply with section 4.7.24 regarding parkland dedication or provide a cash-in-lieu donation.</i>
BOARD DISCUSSION <i>7:16 pm</i>	None
ROLL CALL TO APPROVE CONDITION #19 <i>7:16 pm</i>	Motion passed on roll call vote (7-0).
BOARD DISCUSSION <i>7:16 pm</i>	None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-03)**

7:16 pm

On a roll call vote the motion passed (7-0).

**NEW BUSINESS
7:17 pm**

Mussman discussed with the board the West Valley Zoning and property owner's rights to change (i.e. to a SAG-5). He said that this had been a recent conversation that would apply to future applications.

**OLD BUSINESS
7:23 pm**

Mussman said that they will be addressing the zoning amendments in June and discussed the need to amend some of the subdivision regulations at that time.

**MEETING
ADJOURNED
7:26 pm**

The meeting was adjourned on a motion by Schlegel and Nogal at approximately 7:26 pm. The next meeting will be held April 11, 2018.



Greg Stevens, Vice-Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 04/11/18